

WEST TISBURY CONSERVATION COMMISSION
MINUTES OF MEETING

February 13, 2007

Present: Prudy Burt Chair, Judy Crawford, Peter Rodegast, Tara Whiting, Pat Durfee, Debra Swanson and Maria McFarland

Also present for all or part of the meeting: Mary Louise Perry, Anita Christian and Kent Healy

Prudy Burt called the meeting to order at 5:00 P.M.

The minutes of the January 23, 2007 meeting were approved.

Hearings

Map 32 Lots 95, 100, 102, 115 and 116- public meeting under the Wetlands Protection Act and the West Tisbury Wetlands Protection Bylaw to consider a **Request for Determination of Applicability** filed by Kent A. Healy on behalf of the Town of West Tisbury Board of Selectmen and the Martha's Vineyard Garden Club for property located at 685, 690, 692, 695 and 700 Edgartown Road. The project consists of annual maintenance cutting and trimming of all trees, brush and shrubs between the State Highway pavement and the water surface of the Mill Pond dam. Kent Healy was present along with Mary Louise Perry and Anita Christian of the Garden Club.

Both Ms. Perry and Ms. Christian expressed concern about brush cutting on Garden Club property in the areas where there are swamp azaleas and blueberry bushes. They also pointed out that there are several fruit trees in this area; they wanted there to be clarification as to which trees and shrubs were going to be cut and how much brush was going to be cleared. Ms. Christian also asked if the hole in the dam on the Garden Club side near the spillway was going to be fixed. Kent said that would be part of the work. There is also concern about the tall cherry trees that are around the wires along the road. Kent said the town would have to hire someone to do the work on these trees. He did not have a date to begin work. Prudy mentioned that at the site visit there were 9 trees that had been flagged to come down. Kent said it is necessary to remove those trees as they can add to the disintegration of the dam if they fall over and they hinder his ability to inspect the face of the dam.

Judy made a motion was made to issue a **Negative Determination**. Peter seconded. The vote was unanimous in favor. Conditions were discussed and approved as follows:

- No work may begin until a site visit is held with the Garden Club, Kent Healy and the Commission to determine in the field exactly what trees and brush must be removed. All trees and brush will then be flagged and an area of work limit will be determined and marked.
- All work will be done by hand or with chain saws. No heavy equipment is allowed on the Garden Club property next to the parking area. All tree work will be done from the road.
- No stumping or chipping is permitted. All debris will be removed from the site.
- Annual maintenance is approved for both the north and south side of the road. With respect to the maintenance of the north side of the dam, reference is made to a determination issued by the Commission on May 28, 2004. The Commission shall be notified by telephone within 48 hours of annual clearing work.

Of separate concern to the Garden Club, Ms. Christian asked about the impact of a dredging project in the Mill Pond on the dam and foundation of the old mill in the Garden Club building. Kent explained that the pond is perched above the water table. No one has yet discussed how deep the pond would be dredged, if the project were ever done. Kent did not see this as an issue.

Old Business

Map 1 Lot 33 SE79-225 Long/Dubin This order of conditions expired at the end of 2006. Doug Cooper sent in a letter requesting an extension of the order, as the work under this order was never done. A letter will be sent to Doug informing him that a new Notice of Intent is required under the WPA and that the Commission has no leeway to grant an extension of an expired permit even if it is only a month or so since the date of expiration.

Mill Pond Benches: There are two benches that need to be replaced. Prudy went to the Park & Rec meeting on the 7th to see if they would handle the repairs. Park & Rec agreed to make the arrangements and pay for it out of their budget.

Mill Pond Warrant Article: Prudy reported on her visit with the Selectmen. She explained to the Selectmen that the Commission does not see the Mill Pond as an emergency situation as the water quality is not a huge issue; it is just that the pond is shallow. They discussed starting a stabilization fund. The members reviewed a sample response to a request for proposal for a dredging feasibility and design study that was prepared by Beal's and Thomas at the request of Aquatic Technology Control to give the board an idea of what would be involved and an estimate of the associated costs. If the town were to go forward with a dredging project, sending out such an RFP would be the first step. The members reviewed draft language for a possible warrant article to create the stabilization fund. After discussion, the board agreed to inform the Selectmen that the Commission does not feel it is appropriate for the Commission to be the sponsor of this warrant article, as they will ultimately be the regulatory board reviewing the permit application under the WPA and local wetlands bylaw. Prudy will attend the Selectmen's meeting on the 14th to advise the Selectmen and to go over the materials from Beal's and Thomas.

New Business

Seth's Pond: While Prudy was at the Park & Rec meeting on February 7th, she asked if they had ever considered locating a port-a-potty at Seth's Pond. After a brief discussion about the logistics of a port-a-potty at this site, Maria was instructed to prepare a letter to Park & Rec encouraging them to consider this idea as a way to help protect the water quality of Seth's Pond.

Administrative

Estuaries Project: The warrant article for the final phase of funding for the Mass Estuaries Project was reviewed and approved.

There being no further business on the agenda, the meeting adjourned at 6:15 P.M.

Respectfully submitted,
Maria McFarland
Board Administrator
APPROVED